



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Continue Public Hearing until February 19, 2003 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

MEETING DATE: January 15, 2003

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council continue the Public Hearing until February 19, 2003 to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No. 99-02 for Legends Unlimited.

BACKGROUND INFORMATION: As the City Council may recall, this item was continued from your meeting on December 18, 2002. At that time, a letter was submitted on behalf of Legends by their Attorney Eric Nims.

Since that time a new entity has been working toward the acquisition of the business with the intent of opening a new restaurant at this location. Legends has been closed during this time period. At the time of the preparation of this memorandum, the transfer of the Alcoholic Beverage Control License had not been completed. I had been told that the completion is near and therefore recommended one further continuance to January 15, 2003. I have met with the new owners who are working on their plans for the building. Again, I'm convinced this transfer will occur and recommend a further continuance.

In the meantime, once the license is transferred, the appeal would be withdrawn as it no longer applies to the new owner.

FUNDING: None required

Konradt Bartlam
Community Development Director

KB/nme

Attachments

APPROVED:

Janet Korte
City Manager



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: January 15, 2003

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTICE OF CONTINUED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the December 18, 2002 public hearing of the City Council of the City of Lodi to consider the appeal from Neumiller & Beardslee, on behalf of Legends Unlimited, regarding the Planning Commission's decision to revoke Use Permit No.99-02 for Legends Unlimited was opened and **continued to Wednesday, January 15, 2003**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, in the Lodi Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, California.

Information regarding this item may be obtained in the office of the Community Development Director, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

A handwritten signature in cursive script, reading "Susan J. Blackston".

Susan J. Blackston
City Clerk

Dated: December 19, 2002

Approved as to form:

A handwritten signature in cursive script, reading "Randall A. Hays".

Randall A. Hays
City Attorney



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF CONTINUED PUBLIC HEARING

Date: January 15, 2003

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Posted December 19, 2002

A handwritten signature in cursive script, reading "Susan J. Blackston".

SUSAN J. BLACKSTON
CITY CLERK
of the City of Lodi

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
EMILY HOWARD
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
KEITH LAND

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

December 19, 2002

MAILED CERTIFIED MAIL #7000 1670 0008 4483 0732
AND REGULAR U.S. POSTAL DELIVERY

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA. 95201-3020

**RE: CONTINUED PUBLIC HEARING – JANUARY 15, 2003
TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION,
LEGENDS UNLIMITED, INC.**

This letter is to notify you that the public hearing on December 18, 2002 was opened and continued to **Wednesday, January 15, 2003, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

The hearing is being held to consider your appeal on behalf of Legends Unlimited, Inc. and owner Jacqueline Brown, of the Planning Commission's decision on July 10, 2002 to revoke Use Permit No. 99-22.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *Note: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact Community Improvement Director Rad Bartlam in the Community Development Department at (209) 333-6823.

Sincerely,



Susan J. Blackston
City Clerk

SJB/JLT

cc: Jacqueline Brown, Legends Unlimited
Community Development Director

DECLARATION OF POSTING
NOTICE OF CONTINUED PUBLIC HEARING
OF THE CITY COUNCIL OF THE CITY OF LODI

I, Susan J. Blackston, hereby certify that on December 19, 2002 I posted "NOTICE OF CONTINUED PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF LODI TO CONSIDER CONTINUED PUBLIC HEARING TO JANUARY 15, 2003 TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED", near the Council Chamber door; that said Notice remained posted until after the hour set for said hearing, as shown on said Notice.


A copy of said "NOTICE OF CONTINUED PUBLIC HEARING" as posted near the Council Chamber door, is shown on the attached and is made a part of this Certificate of Posting.

Dated: December 19, 2002
(Date Posted - Must be within 24 hours)

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI

ORDERED BY:


PATRICIA OCHOA
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



DECLARATION OF MAILING
LETTER TO APPELLANT

CONTINUED PUBLIC HEARING TO JANUARY 15, 2003 TO CONSIDER APPEAL
REGARDING USE PERMIT 99-02 REVOCATION, LEGENDS UNLIMITED

On December 19, 2002, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, and additionally, United States certified mail envelopes with first-class postage prepaid thereon and indication of return receipt requested, containing a letter of notification, a copy of which is attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 19, 2002, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON
CITY CLERK, CITY OF LODI

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

MAILING LIST

APPEAL OF PLANNING COMMISSION DECISION, LEGENDS UNLIMITED

Anthony L. Vignolo, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA 95201-3020

Jacqueline Brown
c/o Legends Unlimited, Inc.
27 West Elm Street
Lodi, CA 95240

CITY COUNCIL

SUSAN HITCHCOCK, Mayor
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H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney

January 16, 2003

MAILED CERTIFIED MAIL #7000 1670 0008 4483-1340
AND REGULAR U.S. POSTAL DELIVERY

Eric Nims, Attorney at Law
Neumiller & Beardslee
P.O. Box 20
Stockton, CA. 95201-3020

**RE: CONTINUED PUBLIC HEARING – FEBRUARY 19, 2003
TO CONSIDER APPEAL REGARDING USE PERMIT 99-02 REVOCATION,
LEGENDS UNLIMITED, INC.**

This letter is to notify you that the public hearing on January 15, 2003 was opened and continued to **Wednesday, February 19, 2003, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

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Should you have any questions, please contact Community Improvement Director Rad Bartlam in the Community Development Department at (209) 333-6823.

Sincerely,



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City Clerk

SJB/JLT

cc: Jacqueline Brown, Legends Unlimited
Community Development Director

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27 West Elm Street
Lodi, CA 95240



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

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By Order of the Lodi City Council:

Susan J. Blackston
City Clerk

Dated: January 16, 2003

Approved as to form:

Randall A. Hays
City Attorney



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Posted January 16, 2003

SUSAN J. BLACKSTON

CITY CLERK

of the City of Lodi



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